IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 318 of 1997

For Approval and Signature:

HONOURABLE MR.JUSTICE P.B.MAJMUDAR

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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RD DODIA
Versus
STATE OF GUJARAT & ANOTHER

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Appearance :
MR KV SHELAT for Petitioner
MR SP HASURKAR, ASST. GOVT. PLEADER FOR RESPONDENTS.

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CORAM : HONOURABLE MR.JUSTICE P.B.MAJMUDAR

Date : 19/09/2005

ORAL JUDGMENT

By filing this petition, the petitioner has prayed for a direction to the respondents to promote the petitioner as Mamlatdar from the date when his Juniors were promoted, as according to the petitioner, he is eligible for such promotion on the vacancies reserved for S.C. candidates.

At the time of hearing of this petition, on instructions from the officers of the Department who are present in the Court, Mr. Hasurkar pointed out that the petitioner is already promoted by an order dated 8.2.2002. Mr. Hasurkar submitted that along with the petitioner, another employee, viz. H.J. Rathod, had filed Special Civil Application No. 317 of 1997 where identical point was involved. It is submitted that the said Mr. Rathod and the present petitioner are promoted by notification

dated 8.2.2002. At the request of Mr. Hasurkar, a copy of notification is kept on record.

It is, therefore, clear that the petitioner is promoted by order dated 8.2.2002. It is also clear that similar matter [SCA No. 317/97] was disposed of by a co-ordinate bench of this Court [Coram: A.S. Dave, J.] on 20th December 2004. While disposing of the said petition, the co-ordinate bench has also directed the respondents to look into the claim of the said petitioner for deemed date and pass appropriate order.

Since identical petition is disposed of by this Court, this petition is also required to be disposed of in the same line. Since the grievance of the petitioner regarding promotion is redressed by the Department, nothing further is required to be done insofar as the prayer for directing the respondents to promote the petitioner is concerned. Rule is discharged with

no order as to costs.

As regards the prayer for deemed date and consequential benefits is concerned, it appears that the representation dated 24.12.1996 made by the petitioner to the respondent authorities in this regard, [annexure 'E' page 143-44], still remains undecided. The respondents are directed to look into the matter and decide the representation as early as possible and pass appropriate order in accordance with law.

[P. B. MAJMUDAR, J.]

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